

Exhibit 4



Deposition of:
Dennis L. Skinner , Jr.

November 25, 2019

In the Matter of:
**Panzarella Et Al Vs. Navient Solutions
Inc**

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- - -
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
- - -

ELIZABETH PANZARELLA and : CIVIL ACTION
JOSHUA PANZARELLA, :
individually and on :
behalf of all others :
similarly situated, :
Plaintiffs :
vs. :
NAVIENT SOLUTIONS, LLC, :
Defendant : NO. 2:18-cv-03735 PBT

- - -
MONDAY, NOVEMBER 25, 2019
- - -

Video Deposition of DENNIS L. SKINNER, JR.
taken at GREENBERG TRAURIG, 1007 N. Orange Street,
Suite 1200, Wilmington, Delaware, commencing at 9:30
a.m., before John P. Donnelly, a Registered
Professional Reporter, and Notary Public in and for
the Commonwealth of Pennsylvania and the State of
Delaware.

- - -
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- - -

ALSO PRESENT:

- - -

1 THE VIDEOGRAPHER: Good morning. We
2 are going on the record at 9:36, on
3 November 25, 2019. Please note that the
4 microphones are sensitive and may pick up
5 whispering and private conversations.
6 Please turn off all cell phones or place
7 them away from the microphones as they can
8 interfere with the deposition audio.

9 This is media unit number one of the
10 video deposition of Dennis Skinner in the
11 matter of Elizabeth and Joshua Panzarella
12 versus Navient Solutions, filed in the US
13 District Court for the Eastern District of
14 Pennsylvania, case number 2:18-cv-03735 PBT.
15 The deposition is being held at Greenberg
16 Traurig located 1007 North Orange Street,
17 Wilmington, Delaware. My name is Michael
18 Varincovitch from the firm Veritext, I am
19 the videographer. The court reporter is
20 John Donnelly of the firm Veritext. Would
21 counsel please announce their appearance for
22 the record.

23 MR. FRANCIS: Yes, this is Jim
24 Francis, from Francis Mailman Soumilas, on

1 behalf of the plaintiff. And with me is my
2 co-counsel, Bob Cocco.

3 MS. SIMONETTI: Lisa Simonetti for
4 defendant.

5 THE VIDEOGRAPHER: The time is now
6 9:37, would the court reporter please swear
7 in the witness.

8 DENNIS L. SKINNER, JR., having been
9 duly sworn or affirmed, testified as
10 follows:

11 MR. FRANCIS: Before I begin, I will
12 just place one correction to the
13 introduction on the record, and that is
14 Mr. Skinner is appearing pursuant to a rule
15 30(b)(1) in his own capacity, as well as --
16 or he was noticed by way of a Rule 30(b)(6)
17 notice of deposition. We will determine
18 later whether or not he is actually sitting
19 in that capacity, but I just want to make it
20 clear that there were two deposition notices
21 served for today.

22 Sir, would you please state and spell
23 your full name for the record?

24 A. Yes, my name is Dennis L. Skinner,

1 Q. Okay. And by that do you mean what
2 you turned into one or more search queries?

3 A. That is correct.

4 Q. All right. And as you sit here
5 today, are you generally familiar with the search
6 and query capabilities of the HADOOP system?

7 A. That is correct.

8 Q. And did you utilize those search and
9 query capabilities in connection with fulfilling the
10 Baker queries?

11 A. That is correct.

12 Q. All right. And did you actually
13 yourself design the search queries that were run in
14 Baker?

15 A. That is correct.

16 Q. Okay. So let me begin by asking you
17 to summarize; what was your role in connection with
18 the Baker settlement by way of obtaining data from
19 the system?

20 A. I was the majority stakeholder
21 pulling the data for Baker.

22 Q. Okay. And what did you actually do
23 in connection with the Baker settlement?

24 A. I pulled all calls from the ININ

1 dialer, matched that up to telephone numbers, and
2 identified two that the telephone number reference
3 borrower, co-borrower flags.

4 Q. Okay. Now, in connection with doing
5 that, did you make any records of that, in other
6 words, is there any -- can you go back and see what
7 you obtained?

8 A. I still have some of the data sets.
9 Yes.

10 Q. Okay. And what format do you have
11 those data sets?

12 A. They are in HADOOP. They are data
13 tables.

14 Q. And what's contained within those
15 data sets or data tables?

16 A. Names, telephone numbers, those flags
17 that I referenced.

18 Q. So do those data sets and tables
19 basically contain the results of the search and
20 queries that you ran in connection with Baker?

21 A. That is correct.

22 Q. All right. So I want to dig down a
23 little bit more than that. One of the things that I
24 think you mentioned in connection with the Baker

1 Q. Yes.

2 A. I think there is a category called
3 reference.

4 Q. Yes.

5 A. But I think we pulled in more -- we
6 do more than less. So we pull in anything that is
7 other than a borrower is what we pulled into the
8 Baker.

9 Q. Okay. So would this, like I was
10 asking before, so are you saying that the people
11 that you pulled in as part of the query would
12 include not just references, but if there was any
13 other third party associated with the account?

14 A. Anybody to the account, yes.

15 Q. Okay. And do you know how many
16 people met that profile?

17 A. I -- unfortunately I don't.

18 Q. Approximately?

19 A. Not even -- again, I would have to go
20 back. I haven't looked at that data specifics.

21 Q. If you went back to the system you
22 could find that out?

23 A. That is correct.

24 Q. And am I correct for all of these

1 different groups that you pulled, you could identify
2 those numbers. Is that right?

3 A. That is correct.

4 Q. All right. Now, were you also able
5 to identify borrower numbers?

6 A. That is correct.

7 Q. Okay. People who were listed as
8 being a borrower. Is that right?

9 A. That is correct.

10 Q. Now, were you able to determine
11 whether or not there was an overlap between people
12 who fell within the category of credit reference or
13 any other third party, and borrower?

14 A. I did not look into that.

15 Q. Okay. Could that have been done?

16 A. Yes.

17 Q. You could see, am I correct, sir, by
18 Googling -- or excuse me, by -- I'm so used to
19 Googling -- by querying or searching HADOOP, you
20 could identify a group of people who met both the
21 profile of a credit reference, and also came back as
22 a borrower. Is that right?

23 A. That is correct.

24 Q. All right. Am I correct that there

1 Q. Okay. And do you have any idea why
2 if somebody were being identified as a borrower, or
3 a co-borrower, they would also be a credit reference
4 for that same loan?

5 A. For the same loan?

6 Q. Yes.

7 A. I find that not plausible. I mean,
8 anything is plausible, but I just don't think -- I
9 don't know why you would be a reference on your own
10 loan.

11 Q. Okay.

12 MR. FRANCIS: Lisa, I am going to
13 mark NSL802 through 817. Can you mark this
14 as Skinner 2, please. And then let's mark
15 Navient's objections to the amended notice
16 of deposition as Skinner 3, please.

17 - - -

18 (Whereupon the court reporter marked
19 for identification purposes Skinner Exhibits
20 2 and 3.)

21 - - -

22 BY MR. FRANCIS:

23 Q. All right, just I am going to start
24 with Skinner 3, Mr. Skinner, first, then go to

1 Skinner 2. Just works that way. As I mentioned at
2 the beginning of the deposition, counsel for the
3 plaintiff in this case served upon Navient what's
4 called a notice of deposition pursuant to Federal
5 Rule 30(b)(6), and what that does is it asks the
6 company to produce a witness to answer certain
7 topics, or address certain topics. Somebody who is
8 knowledgeable about the topics. So I want to find
9 out about whether you have knowledge about the
10 topics that were served in this case. So the
11 30(b)(6) first topic in case pertained to a witness
12 who has knowledge regarding the following.

13 "The number of persons who were
14 listed as a credit reference on a student loan
15 application." And two, "Called by NSL on a cellular
16 telephone number using dialing technology
17 manufactured and/or licensed by Interactive
18 Intelligence from October 16, 2013, to July 3, 2018,
19 but who were not sent notice of the Baker class
20 settlement."

21 Do you know the answer to that
22 question?

23 A. No.

24 Q. Okay. Could you find out the answer

1 to that question?

2 A. I could find out the answer to the
3 question.

4 Q. Okay. And could you find out that
5 answer to the question utilizing the data that you
6 have been testifying about for a little while now?

7 A. Well, no -- actually, I apologize.
8 If I didn't provide it already, I can't give you
9 anything I don't have. So -- okay -- so the
10 question was: Can I give you the answer to this?
11 The answer is no. I apologize.

12 Q. Why can you not? You have topic
13 number one in front of you?

14 A. Topic number one, yes.

15 Q. Why can you not?

16 A. Because it's everybody that we
17 already identified. So if I can't -- if I didn't
18 identify them the first time, how can I identify
19 them the second time? That's why I am confused.
20 I'm sorry.

21 Q. Okay. So my question to you was; you
22 were able to identify all of the numbers that were
23 associated with a credit reference. I think you
24 have testified to that extensively. Is that

1 Q. Yes.

2 A. That is what was Baker.

3 Q. Could you do it?

4 A. That's what Baker was.

5 Q. Okay. Could you -- what's the no,
6 no -- what's the order you're using?

7 A. No, no borrower, no co-borrower, yes
8 reference.

9 Q. Okay.

10 A. Which is other.

11 Q. Could you identify yes, yes, yes?

12 A. I could do yes, yes, yes.

13 Q. Okay. That's my question.

14 A. I apologize.

15 Q. Yes. So you could identify the
16 people who had those three flags. Correct?

17 A. That is correct.

18 Q. All right. And you could compare
19 those people who met the three flags to the people
20 for whom you provided to counsel, and get the
21 difference in the numbers?

22 A. Off the top of my head, I believe
23 yes.

24 Q. Yeah. So I think as I said before,

1 you could identify, correct me if I'm wrong, sir,
2 all of the people who fell within Elizabeth and Josh
3 Panzarella's category, meaning they had a reference
4 flag, and they also had a borrower, co-borrower
5 flag. You could identify all those people. Is that
6 correct?

7 A. I could identify telephone numbers
8 that met that demographic. Yes.

9 THE VIDEOGRAPHER: Counsel, just so
10 you know there is about a minute remaining
11 before I have to change discs.

12 MR. FRANCIS: Well, then why don't we
13 go off the video.

14 THE VIDEOGRAPHER: Time is now 11:19,
15 this concludes disc one.

16 (A short recess was taken.)

17 THE VIDEOGRAPHER: Time is now 11:36,
18 this begins disc two.

19 BY MR. FRANCIS:

20 Q. Mr. Skinner, turning back to Skinner
21 3. The next topic in the notice of deposition asked
22 for a witness who was knowledgeable regarding the
23 following: Number two, "The number of persons who
24 were listed as a credit reference on a student loan

1 application called by NSL on a cellular telephone
2 number using dialing technology manufactured and/or
3 licensed by Noble Systems Corporation and/or
4 Interactive Intelligence, from September 1, 2012, to
5 the present and who disputed owing the debt and/or
6 being called by NSL." Do you see that topic?

7 A. That is correct.

8 Q. Do you know that number?

9 A. No.

10 Q. Have you performed any efforts or
11 have you taken any steps to try to ascertain the
12 number to topic number two?

13 A. No.

14 Q. Okay. Would you agree with me that
15 as before, you could, if you wanted to, identify
16 persons who were listed as a credit reference on a
17 student loan application?

18 A. That is correct.

19 Q. Okay. And you could identify people
20 who were called by NSL on a cellular telephone
21 number using dialing technology manufactured and/or
22 licensed by Noble Systems Corporation and/or
23 Interactive Intelligence?

24 A. That is correct.

1 were called by NSL after July 3, 2018, on a cellular
2 telephone number using dialing technology
3 manufactured and/or licensed by Interactive
4 Technology." Do you see that?

5 A. Yes.

6 Q. Do you know the answer to that
7 question?

8 A. No, I do not.

9 Q. Do you have any information regarding
10 the number of persons who fall within that category.

11 A. Not at the present time.

12 Q. Okay. Is there any reason that you
13 know of that you couldn't perform a query and
14 generate the same type of information you generated
15 in the Baker settlement now?

16 A. Yes, I could redo Baker to the same
17 parameters now. Yes.

18 Q. Okay. So am I correct that if to
19 this day, credit references were still being called
20 post the Baker time period, and you were asked to
21 identify a Baker two or a second Baker class, you
22 could identify that. Is that right?

23 A. Hypothetically, yeah. I mean, if
24 it's in the interest of the company to have me put

1 that on my priority list, yes. But right now I
2 don't have that on my list and I have other
3 priorities right now, unfortunately.

4 Q. I am sure. Okay. Now, would you
5 please turn to Baker -- excuse me, Skinner 2. Okay.
6 Take as much time as you need to review this. This
7 is a series of pages, or looks like a document from
8 the Artiva system that was produced in this case.
9 And I want to ask you some questions about it.

10 A. Okay.

11 Q. Would you identify this record -- do
12 you understand -- do you under -- can you identify
13 this record in general?

14 A. In general, these look like comments.

15 Q. Okay. And would this -- when the
16 comments -- when you say the word comments, do you
17 mean that these would be the things that would be in
18 that screen 151?

19 A. Normally, yeah. That's what I would
20 expect to see.

21 Q. Okay. And is that what you think is
22 that Skinner 2 is a screen 151 for this particular
23 account?

24 A. Yeah, but it's Artiva. It's a

DENNIS L. SKINNER, JR.

- - -

C E R T I F I C A T E

- - -

I do hereby certify that I am a Notary Public in good standing; that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this 3RD day of DECEMBER 2019.



John P. Donnelly
Notary Public

Job No. 3768471

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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